

**REMARKS**

**Summary of Office Action**

Claim 7-9 are rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-2 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Poirot et al. (U.S. Pub. No. 2004/0122944).

Claims 7-9 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over McNally et al (U.S. Pat. No. 6,549,932) in view of Potter et al. (U.S. Pat. No. 7,222,148).

**Summary of Amendment**

Claims 1-3 are cancelled. Claims 4-9 are amended. No new matter has been added. Claims 4-9 are pending for consideration.

**All Claims Comply with 35 U.S.C. § 112**

Claim 7-9 are rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant respectfully disagrees. However, in the interests of furthering prosecution, claims 7-9 been amended. The revisions do not and are not intended to further limit the claims in any way.

**All Claims Are Patentable**

Claims 4-6 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Poirot et al. Claims 7-9 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over McNally et al. in view of Potter et al. Applicants respectfully traverse.

Independent claims 4-6, as amended, recite in part, “receiving based on the device architecture indicated in the response, one or more scripts that request additional information about the device, *wherein the scripts are customized for the device architecture indicated in the response* and executed outside the program.” (Emphasis added.) Paragraphs [0047], [0063], and [0064] of Poirot et al., which are relied upon, disclose using various functions, such as a get-request ( ) function and a return get-response ( ) function, to retrieve a port status of a switch and data related to a “port number/ node identifier.” The various functions disclosed in Poirot et al. are not “customized for the device architecture indicated in a response.” Instead, the various functions are sent by a management module based on port status to an agent module of the switch, and the functions are the same regardless of the switch or node in communication with a switch (*i.e.*, the functions are not customized for the device architecture indicated in a response from the switch).

It is well settled that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*. 814 F.2d 628, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). (See also MPEP §2131.) Poirot et al. fails to teach or suggest at least the features of

“receiving based on the device architecture indicated in the response, one or more scripts that request additional information about the device, wherein the scripts are customized for the device architecture indicated in the response and executed outside the program” as recited in claims 4-6.

Independent claims 7-9, as amended, recite in part, “a manager object including a plurality of worker threads operating in parallel” and “a plurality of request objects.” As an initial matter, the Office Action relies upon McNally et al. to teach the manager object including a plurality of worker threads operating in parallel and the plurality of request objects. (See page 5, ¶ 12 of the 2/3/2009 Office Action.) In particular, the Office Action improperly asserts that a discovery agent of McNally et al. is both the manager object including a plurality of worker threads operating in parallel and the plurality of request objects. However, as shown in FIG. 4 of the originally filed specification, for example, the manager object 300 including a plurality of worker threads operating in parallel and the plurality of request objects 200, as claimed, interact with each other as distinct objects (*i.e.*, they are separate and different objects as claimed). The discovery agent of McNally et al. cannot be both the claimed manager object including a plurality of worker threads operating in parallel and the claimed plurality of request objects as asserted in the Office Action. If the discovery agent is equated with both the manager object and the request objects as asserted in the Office Action, then McNally et al. fails to teach or suggest the interactions between the manager object and request objects recited in claims 7-9. Accordingly, McNally et al. fails to teach or suggest both “a manager object including a plurality of worker threads operating in parallel” and “a plurality of request objects.”

Furthermore, claims 7-9 recite, in part, “distributing each of the plurality of request objects in the request queue to one or more of the plurality of worker threads.” The relied-upon portions of McNally et al., namely column 2, lines 40-41 and column 6, lines 49-57, disclose launching a set of one or more discovery agents, which are considered to be the “worker threads” of claims 7-9, into a large, distributed computer network. However, McNally et al. fails to teach or suggest distributing each of the plurality of request objects in the request queue to one or more of the plurality of worker threads because “a plurality of request objects” as claimed are not distributed to the discovery agents of McNally et al.

The Office Action admits that McNally et al. does not teach or suggest “a request queue, organizing the plurality of the request objects in the request queue, a result queue, and organizing response of the plurality of the request objects in the request queue” and relies on Potter et al. to cure these deficiencies. Potter et al., at best, simply mentions the phrases “request queue” and “response queue” at column 2, lines 3-29. Potter et al. fails to disclose “organizing in the result queue each of the plurality of received request objects” or the use of a “request queue” or “result queue” as claimed.

Furthermore, it was not obvious at the time of the claimed invention to incorporate the teachings of Potter et al. into McNally et al. to include a request queue or a result queue as claimed. A person having ordinary skill in the art at the time of the claimed invention would not have considered adding a request queue or a result queue because it was unnecessary. McNally et al. was focused on conventional network discovery mechanisms using discovery agents to identify endpoint machines for task deployment, and McNally et al. already included the

capability to track those endpoints using an endpoint list. McNally et al. was not focused on the separation and coordination of synchronous and asynchronous operations to significantly improve the speed of discovery of active devices on a network through the use of a manager object including a plurality of worker threads operating in parallel, a request queue, and a result queue. (See McNally et al., Abstract.) Thus, the system described in McNally et al. is being modified to include the system of Potter et al. based on Applicant's own disclosure, and the Office Action's conclusion of obviousness is based on improper hindsight reasoning.

Hence, Applicants respectfully request that the §102 and § 103 rejections be withdrawn.

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**CONCLUSION**

In view of the foregoing, reconsideration and timely allowance of the pending claims are respectfully requested. Should the Examiner feel that there are any issues outstanding after consideration of the response, the Examiner is invited to contact the Applicants' undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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